

PROPOSALS TO CONSERVE OR REJECT NAMES

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Guidelines for proposals to conserve or reject names

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Introduction

Since its initiation in 1951, *Taxon* has become the medium for the publication of proposals of “nomina conservanda” and, since 1975, of “nomina utique rejicienda” under Art. 14 and Art. 56, respectively, of the *International Code of Botanical Nomenclature (ICBN)* (McNeill & al. in *Regnum Veg.* 146. 2006). Publication in *Taxon* constitutes the submission to the General Committee required under Art. 14.12 and 56.2. The first formal guidelines for the preparation of such proposals appeared in 1994 (Nicolson & Greuter in *Taxon* 43: 109–113. 1994); these were most recently updated by McNeill & al. in *Taxon* 52: 182–184. 2003, and the following represents a further update reflecting publication of a new edition of the *ICBN*, the *Vienna Code* (McNeill & al., l.c. 2006).

At the request of its Nomenclature Section, the Tokyo Congress in 1993 urged “plant taxonomists...to avoid displacing well-established names for purely nomenclatural reasons”. This, and an instruction by the Section that the Permanent Nomenclature Committees “make full use of the options that the *Code* now provides”, emerged from the very substantial broadening of the scope for conservation and rejection of names that was adopted at that Congress. The prime criterion for conservation and rejection of names is the avoidance of “disadvantageous nomenclatural change” (Art. 14.1; Art. 56.1). Botanists should, therefore, explore the possibility of conservation or rejection of names before introducing any such nomenclatural change (see “Deciding to make a proposal”, below).

Conservation and rejection procedures

Although, under the *ICBN*, almost all disadvantageous name changes arising from nomenclatural (as opposed to taxonomic) reasons can now be avoided, the provisions for conservation and rejection of names are quite precise and cover the following six main procedures, three of general applicability and three dealing with particular situations. The first three are: (1) conservation of a name of a family, genus or species over all homonyms (Art. 14.10) and homotypic (nomenclatural) synonyms (but not necessarily the latter for species names, see below), and those heterotypic (taxonomic) synonyms specifically listed as rejected (Art. 14.4); (2) conservation of a name of a genus or species “with a different type from that designated by the author or determined by application of the *Code*” (Art. 14.9), not ap-

plicable to names of families, cf. Art. 10.6; and (3) outright rejection of a name at any rank (and of any name of which it is the basionym), to be included on the list of “nomina utique rejicienda” (Art. 56.1). The ones dealing with particular situations are: (4) conservation of a name of a family, currently only of bryophytes or spermatophytes, not only over all homonyms and homotypic synonyms, but also over all heterotypic synonyms that are not themselves conserved (Art. 14.5); (5) conservation of a name with a particular spelling (in practice applicable only to names of genera and species, cf. Art. 18.1); or (6) conservation of a name with a particular gender (obviously applicable only to names of genera) (Art. 14.11). All proposals for conservation or rejection “must be accompanied by a detailed statement of the cases both for and against its conservation/rejection” (Art. 14.12, 56.2). The appropriate format and content of such a statement is discussed below, but those considering submission of a proposal should first read carefully Art. 14 and 56 of the *ICBN*.

Choice of procedure

The last three procedures (4, 5 & 6), relating to the particular situations of bryophyte and spermatophyte family names, and of questions of spelling, and of gender, respectively, although they may be combined with other conservation procedures, are essentially self-selecting; the issues of format and content are the same as for other proposals and that section (below) should be consulted. [It should be noted that names of spermatophyte (or bryophyte) families may also be conserved against other conserved family names listed in App. IIB; this so-called “superconservation” process is that of procedure 1, except that the resultant conservation appears as a note under the relevant family names in App. IIB.] In the more general situation, however, in which established nomenclature would be disturbed because of new nomenclatural information, whether on priority or on typification, there is often a choice as to whether to adopt procedure 1, 2 or 3. The scope and implications of these three procedures are as follows.

Procedure 1: Conservation of a name against all homonyms and homotypic synonyms, but only against those heterotypic synonyms listed as rejected (including combinations based on them) is the general case represented by App. IIA for family names (excl. those of bryophytes and spermatophytes, for which see procedure 4 & App. IIB),

App. III for generic names, and App. IV for species names (but see below for optional limitation on rejection of homotypic synonyms of species names). Even when the type is not specifically conserved as provided in procedure 2 (i.e., it is considered to be the type determined by application of the rules of typification), the listed type of a conserved name is in effect conserved and can only be changed by an amendment proposal (Art. 14.8). Note, however, that the authorship, date and place of valid publication of a name cannot be conserved and are liable to editorial correction whenever they turn out to be inaccurate (Art. 14 Note 1).

Often the primary intent of a proposal is to dispose of a name that threatens another legitimate name; if so, procedures 1 and 3 might both work. It is then important to consider their respective advantages and limitations. Names rejected as heterotypic synonyms of a conserved name remain legitimate but cannot be used as long as their type is considered to belong to the same taxon as the type of the corresponding conserved name. When taxonomy is still in dispute, it may be desirable to select procedure 1, allowing rejection of a name when applied to a broadly defined taxon but keeping it available for use in a special, narrow sense, which cannot be effected by procedure 3. However, the type of a rejected name, even when listed, has no protected status and its typification is open to challenge. Therefore, rejection under procedure 1 is not a safe way to get rid of a synonymous name as long as its typification is in dispute. A homotypic rejected synonym is unavailable (as are all combinations based on it, at any rank); however, this holds true only as long as its typification, and, therefore, homotypic status, is not open to challenge.

Procedure 1 provides for some flexibility as to the extent of rejection against a conserved name of a species: if a name listed as a rejected synonym is a basionym, then all combinations based on it (irrespective of rank) are similarly rejected against any combinations based on the conserved name, but if it is a later combination, then other combinations with the same type and epithet are not rejected. The name of the tomato (Art. 14 Ex. 1, and App. IV) provides an example of how this works. [Note that the *ICBN* does not preclude rejection under Art. 14 of a name at a rank other than species, if it is the basionym of a name that competes with a conserved species name.]

A name can also be rejected as an earlier homonym of a conserved name. As such it remains legitimate and available as basionym for other names or combinations (Art. 14.10). Confusingly similar names are treated as homonyms under Art. 53.3, and the earlier of them can be rejected against the later. (See under “Special Problems” below, for how to deal with cases in which the question of confusability is unclear.)

Procedure 2: A name may be conserved solely to change its type from the element that would have to serve as nomenclatural type under the rules to a different element that preserves current usage, even to one that was not part of the original material (Art. 14 Ex. 8), although such a conserved name is also automatically conserved against earlier homonyms and homotypic synonyms (though not the latter for names of species). It is also possible to conserve an “ar-

tificial” later homonym from a later author and date in such situations (procedure 1), cf. Art. 14 Ex. 9, but it is no longer necessary to do so. Unless the name has been widely attributed to the later place of publication, in most cases it will be preferable simply to conserve the name from its original place of publication but with a different type. [Note that if the name of a genus is based on that of a subdivision of a genus or the name of a species on that of an infraspecific taxon this does not preclude conservation with a conserved type, cf. *Alocasia* (Schott) G. Don (App. III, p. 252) and *Silene robusta* (Vasey) Scribn. (App. IV, p. 463).]

Procedure 3: Straightforward rejection of a name under Art. 56 (and consequent inclusion in App. V) can be proposed for names at any rank. This procedure also makes typification irrelevant since a rejected name is banned from use irrespective of the identity of its type. For this reason, names proposed for rejection under Art. 56, unlike all names (except rejected homonyms) proposed for conservation or rejection under Art. 14, need not be typified, although where this can be done readily and without adding to the nomenclatural problem, it may be desirable. Note that a name that is illegitimate on account of a name subsequently rejected under Art. 56, whether as a later homonym or a superfluous substitute, will remain illegitimate unless conserved under Art. 14.

Procedures 1 and 2 are governed by Art. 14 of the *ICBN*; procedure 3, by Art. 56. A proposer should always be clear about which Article underlies the proposal.

Special situations

Sometimes whether or not there will be disadvantageous nomenclatural change depends on particular interpretation of the rules, for example whether or not two names are considered sufficiently alike to be confused and hence be treated as homonyms under Art. 53.3. Although conservation under procedure 1 provides a definitive answer to the question of whether two similar names are indeed confusable, it will usually be easier to establish “whether names...are sufficiently alike to be confused” by a request to the General Committee for a decision under the provisions of Art. 53.5 before submitting a conservation/rejection proposal. This may obviate the need for a published conservation proposal; direct submission to the Secretary of the General Committee (Fred R. Barrie: fbarrie@field-museum.org), perhaps copied to the Secretary of the committee for the appropriate taxonomic group, setting out the details, is all that is required.

Similarly, if the need for conservation or rejection involves one or more names about which there is doubt as to whether there is a “description or diagnosis” as required by Art. 32.1(d) (so-called “nomina subnuda”), and the other clauses and examples in Art. 32 do not make this clear, the new Art. 32.4 provides an approach with a parallel procedure to that of Art. 53.5 that might eliminate the need for a proposal. However, when alternative usage of names is rooted in divergent but defensible interpretations of some other provision of the *ICBN*, resolution of a particular case may only be possible by means of a proposal to conserve or reject. In some cases a proposal to amend or clarify the

ICBN itself at the next Congress in 2011 may offer a broader solution toward nomenclatural stability and might be considered, either in lieu of or together with a conservation/rejection proposal, depending on the circumstances involved.

Format and contents of proposals

In the interest of expediting the work of nomenclature committees and of minimising the inflationary impact of proposals on *Taxon*'s nomenclature column, it is desirable that proposals be restricted in length. Although some flexibility in length is now permitted as each proposal in *Taxon* to conserve or reject no longer must start on a new page, proposals should not normally exceed 1200 words, and many will be much shorter. To facilitate brevity, the editorial standard for proposals deviates from the usual *Taxon* standard, particularly in how literature references are cited. No "Literature cited" list is provided at the end, but instead abbreviated citations are given parenthetically in the running text. They comprise the abbreviated journal title (as in *B-P-H*) or book title (as in *TL-2*, or by analogy, but with upper case initial letters), followed by the page reference and date. The proposals published in *Taxon* since 1994 serve as the best guide to this format. It should be noted, however, that although titles of works detailed in text are italicized in conformity to the usual *Taxon* style, those appearing as abbreviated parenthetical citations are in Roman type. If a proposal turns out to be too long and involves other important nomenclatural issues, the Nomenclature Editor may suggest publication of a separate (reviewed) background paper, or, if no other issues are involved, submission of some of the less essential background documentation directly to the Permanent Nomenclature Committee Secretary concerned. When multiple proposals are necessary that involve similar nomenclatural issues or share background information, it will often be desirable to combine them into a single paper to avoid unnecessary repetition.

Begin with the formal proposal in a format similar to that which would appear in the appropriate Appendix upon approval. Always list the proposed type of a name to be conserved (it may be useful to indicate in the paper if this was a holotype, lectotype or neotype, and, if one of the last two, where designated, but in the formal citation on acceptance it will be just [conserved] "Typus"). For synonyms proposed for rejection against it, the type must always be listed with type status and first type designation duly quoted, unless it is a holotype, or the original type of a generic name. Listing a definite type for names to be rejected as earlier homonyms or under Art. 56 is desirable where this can be done readily, but is not mandatory.

Proposers should then first explain why the proposal is technically necessary. They will normally give basic information on the taxon (or taxa) and names involved, including considerations of typification and, often, dates. Be brief: the Committee need not necessarily know the full intricacy of the historical background and the varying effects of applying the provisions of past editions of the *ICBN* (the rules being retroactive unless otherwise stated). Do, however, point out the possible uncertainties of interpretation

of the rules, especially if under a different assumption the proposal would become meaningless. Do not fail to mention the possible effect of information likely to have been overlooked (e.g., earlier lectotypifications).

As noted above, the *ICBN* requires a "statement of the cases both for and against" conservation/rejection. The rationale of conservation is "to avoid disadvantageous nomenclatural changes entailed by the strict application of the rules" and to retain "those names which best serve stability of nomenclature". Avoidance of disadvantageous nomenclatural change is, also, the rationale for rejection under Art. 56. Proposers must, therefore, outline the consequences of both adoption and rejection of their proposal. If (as is mostly the case) different options to handle the matter exist, proposers should explain their implications and state the reasons for their own preference.

Document current (and past) usages of all names involved. State the approximate number of works that use the names in any given sense, and, for each form of usage, list a small number (six will normally be sufficient) of examples (preferably standard floras, revisions or reference works, documenting "importance" of any kind, and geographical coverage).

In order to avoid the submission of unnecessary or ineffective proposals, it is essential that authors examine carefully the protologues (Rec. 8A.4) of all relevant names to verify valid publication, legitimacy, author citation, orthography, and details of potential types. Except for earlier homonyms and names being rejected under Art. 56 (procedure 3, above), direct or indirect examination of types is also essential, otherwise the proper application of the names and hence the desirability of conservation or rejection will be unclear. To expedite the editorial process, authors should be prepared to provide, if requested, any necessary documentation, especially from rare or difficult-to-obtain publications, to the nomenclature editors.

Deciding to make a proposal

Before undergoing the trouble of writing a proposal, causing work to yourself and many others, consider its merits and chances of success carefully. Successive Nomenclature Sections have made it quite clear that indulging in name changes for purely nomenclatural reasons is now reprehensible unless the new conservation/rejection avenues have been explored and found to be unhelpful. Prospective authors of proposals should, therefore, consider carefully how their proposal serves nomenclatural stability. Although there is no requirement that names being proposed for conservation or rejection apply to taxa of economic importance, the fact that a name is widely used by non-taxonomists is a cogent reason for its preservation, but strong cases can also be made for preserving a name with limited usage if the alternative has been almost totally neglected. There is, for example, a strong argument for action when failure to conserve (or reject) a name, even if applied to a taxon of limited importance, would have undesirable consequences at the generic level.

It is vital, however, that proposers look at world-wide usage and with a broad taxonomic perspective. A name

change is more acceptable if the taxonomic concept has changed or is expected to change considerably. Committees will not usually be sympathetic to proposals to avoid disadvantageous change of usage in one part of the world at the expense of creating as much or more disadvantageous change in another. When discrepancies of usage exist with no evidently predominant alternative, in most cases simply allowing the provisions of the *ICBN*, such as the principle of priority, to operate provides acceptable resolution.

Many name changes were enacted for good nomenclatural reasons prior to 1993, when the present more generous options became available. It is unlikely that Committees will view sympathetically proposals to reverse actions of the past done in perfectly good faith and in compliance with the nomenclatural rules then in place. There may be cases where such changes are so disturbing that they do warrant reversal, e.g., where the organism involved is particularly well-known and the change has not been generally accepted in the broader (i.e., non-taxonomic) literature, but these will require particularly thorough documentation of the case, both for and against the proposal, and will be more easily accepted if supported by the author of the change.

Provisions for the conservation of names under the *ICBN* have existed for over 100 years and for rejection of names for more than 25 years. A full list of proposals, both successful and unsuccessful, with references to their justification and consideration, is to be found at <http://persoon.si.edu/codes/props/> (cf. Nicolson in *Taxon* 49: 549–554. 2000).

Authors who, after reviewing these Guidelines, are still uncertain as to whether or how to proceed with a proposal to conserve or reject a name, may contact one of the authors (for contact details, see inside front cover). Alternatively, they may wish to discuss the problem ahead of preparing the proposal with the Secretary of the relevant Permanent Nomenclature Committee (see *Taxon* 54: 1059. 2005).

Other types of proposals

The above guidelines apply only to Proposals to Conserve or Reject under Art. 14 and 56 of the *ICBN*. *Taxon* will be open to receive Proposals to Amend the Code from March 2007, and the timetable and regulations for such proposals along with points to note in making them are detailed elsewhere in this issue (see McNeill & al. in *Taxon* 56: 270–271. 2007). Proposals under Art. 32.9 to add a work to the list of “Opera utique oppressa” in Appendix VI are included in a separate section of *Taxon* (see e.g. *Taxon* 55: 1053. 2006), but the format of such proposals conforms closely to the style described above for proposals to conserve or reject.

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